

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANCES FENNIMORE, individually  
and on behalf of others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A.,  
NATIONSTAR MORTGAGE, LLC, and  
JOHN DOES 1-10,

Defendants.

CIVIL ACTION  
NO. 14-06883

**ORDER**

**AND NOW**, this 12th day of November, 2015, upon consideration of Bank of America, N.A. and Nationstar Mortgage, LLC's ("Defendants") Motions to Dismiss (ECF Nos. 26, 27), along with Frances Fennimore's Omnibus Response (ECF No. 30) and Defendants' replies thereto (ECF Nos. 31, 32), it is **ORDERED** that the motions are **GRANTED** in part and **DENIED** in part. Counts I and IV—insofar as they allege a breach of good faith and fair dealing—and Counts II, III, V, VI and VII are **DISMISSED**. The motions to dismiss Counts I and IV—insofar as they allege a breach of contract for failure to offer a modification agreement—are **DENIED**.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.